

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon. Stanley R. Chesler
v. : Criminal Number 10-579 (SRC)
DAVID J. CAIVANO : O R D E R

This matter having been opened to the Court on the joint application of Paul J. Fishman, United States Attorney for the District of New Jersey (Anthony Moscato, Assistant U.S. Attorney, appearing), and defendant David J. Caivano (Victor Sherman, Esq. and David T. Shivas, Esq.), and good cause having been shown, the Court makes the following findings:

1. As represented by and through counsel, defendant Caivano is physically unable to stand trial or meaningfully participate in his defense. As such, the Court finds that defendant Caivano is, at the present time, physically unable to stand trial. 18 U.S.C. § 3161(h)(4).

2. The failure to grant such a continuance in the proceedings would be likely to result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(B)(i).

3. The ends of justice served by granting a continuance of the trial date outweigh the best interest of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

IT IS, therefore, on this 17 day of August, 2012

ORDERED that the trial date in this matter is continued from September 5, 2012 through and including October 16, 2012, and that the period of time shall be excluded for the purposes of computing time under the Speedy Trial Act; and it is further

ORDERED that the return date for pretrial motions and the date for trial will be determined by the Court contingent on defendant Caivano's physical ability to stand trial.



HON. STANLEY R. CHESLER
United States District Judge

Consented to:



Anthony Moscato
Assistant U.S. Attorney

Victor Sherman, Esq.
Attorney for defendant Caivano

David T. Shinn for